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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Keiji Sugiyama

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WASHINGTON, DC 20006-1021

EXAMINER

JACOB, AJITH

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,685	SUGIYAMA ET AL.	
	Examiner	Art Unit	
	AJITH JACOB	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 12, 2008 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hattori et al. (US 2002/0065693 A1).

For claim 1, Hattori et al. teaches:

An information processing apparatus comprising a processor and an information notification apparatus, and is embedded in one of a portable generic computer, a Personal Digital Assistant and a cellular phone, said information notification apparatus comprising:

a rule holding unit operable to hold (a) an information notification rule which is generated based on information concerning a preference of a specific user, the rule

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defining that predetermined information should be notified to the specific user in the case where the specific user satisfies a predetermined condition [user notified of condition of finding a store that carries the predetermined product to purchase, 0124-0130] and (b) an information notification rule which is generated based on information concerning a preference of another user [notification by wife to husband (second user to first), 0147]; an information notification unit operable to notify the specific user of predetermined information which needs to be notified to the other user, in the case where a condition which is defined by the information notification rule concerning the other user is satisfied by the specific user [update of purchase memo on agent system and client terminal and second user purchase of item from specific users memo, 0146-0147]; and a behavior determination unit operable to determine whether or not the specific user who received the notified information has behaved in a manner indicated in the notified information, based on one of an input received from the specific user and data related to the notified information, such that, when the specific user who received the notified information does not behave in the manner indicated in the notified information, a notification occurs [indicator if purchase is made by the user or not, 0173] that includes a message positively asserting that the specific user who received the notification information did not behave in the manner indicated in the notified information [purchase log, with extracted listing presented of goods actually purchased, 0172].

For claim 2, Hattori et al. teaches:

The information processing apparatus according to Claim 1, wherein said rule holding unit is further operable to hold one of a plurality of information notification rules

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in association with a plurality of groups, at least one of said plurality of information notification rules being associated with each of said plurality of groups, wherein each group is made up of a plurality of users [user a member of groups, 0168], wherein said information notification apparatus further comprises a group determination unit operable to manage information concerning each of the groups and operable to determine a group to which the specific user belongs [user determined to be in group, 0168], and wherein said information notification unit is operable to notify the specific user of the predetermined information in the case where a condition which is defined by one of the information notification rules is satisfied by the specific user, the rule being held in association with each of the determined groups [if user buys product, group is notified, 0168].

For claim 3, Hattori et al. teaches:

The information processing apparatus according to Claim 2, wherein said information notification unit is operable to notify the predetermined information to only members of groups to which each user belongs, the information being based on the information notification rule of each user [product purchase notified to users with product on list in group, 0172].

For claim 4, Hattori et al. teaches:

The information processing apparatus according to Claim 2, wherein the information concerning each user's preference includes at least information indicating each user's current position and preference [personal information and interest, 0114], and wherein said rule holding unit includes: a rule generation unit operable to generate

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each of the information notification rules based on inputted information which is necessary for generating each of the information notification rules based on information concerning one of the plurality of users' preferences [locating based on user preference, 0122-0125], the necessary information being received through one of a dialogic input from the one of the plurality of users and a communication network [input from user and network communication, 0115], and wherein said rule holding unit is further operable to hold the information notification rules generated by the plurality of users, in association with one or more of the groups to which each user belongs [memo information of group of user, 0168].

For claim 5, Hattori et al. teaches:

The information processing apparatus according to Claim 2, wherein said information notification unit is further operable to restrict a number of people to which information is notified to a predetermined number on a group-by-group basis, in the case where a plurality of users substantially simultaneously satisfy a same condition regarding one of the information notification rules [restriction of group to list by ID, 0184-0185].

Claim 7 is a method of claim 1. Chen et al. teaches the limitations of claim 1 for the reasons stated above.

Claim 8 is a computer program of claim 1. Chen et al. teaches the limitations of claim 1 for the reasons stated above.

For claim 9, Hattori et al. teaches:

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The information processing apparatus according to claim 1, wherein said information notification unit is further operable to notify the information to the specific user again in the case where said behavior determination unit has judged that the specific user who received the notified information did not behave in the manner indicated in the notified information [indicator if purchase is made by the user or not on various occasions, 0173].

For claim 10, Hattori et al. teaches:

The information processing apparatus according to claim 2, wherein said information notification unit is operable to notify the information to another user in the group to which the specific user belongs in the case where said behavior determination unit has judged that the specific user who received the notified information did not behave in the manner indicated in the notified information [indicator if purchase is made by the user or not to multiple users to avoid failure or duplication of purchase, 0186].

For claim 11, Hattori et al. teaches:

The information processing apparatus according to claim 1, wherein said information notification unit is operable to notify the information to the other user who defined the information notification rule in the case where said behavior determination unit has judged that the specific user who received the notified information did not behave in the manner indicated in the notified information [indicator if purchase is made by the user or not to another user to avoid failure or duplication of purchase, 0186].

For claim 12, Hattori et al. teaches:

The information processing apparatus according to claim 2, wherein said

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information notification unit is further operable to notify the information to only a user at one time [indicator if purchase is made by the user or not during appropriate timing, 0173].

For claim 13, Hattori et al. teaches:

The information processing apparatus according to claim 1, wherein said data related to the notified information comprises financial data [purchase goods information included, 0174].

For claim 14, Hattori et al. teaches:

The information processing apparatus according to claim 1, wherein said behavior determination unit is operable to determine whether or not the specific user who received the notified information has behaved in a manner indicated in the notified information based on the input received from the specific user [indicator if purchase is made by the user or not to another user to avoid failure or duplication of purchase, 0186].

Response to Arguments

4. Applicant's arguments filed June 12, 2008 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's argument.

Applicant argues that Hattori et al. (US 2002/0065693 A1) does not disclose that when a purchase does not occur, a notification occurs that includes a message positively asserting the behavior of the user for claims 1, 7 and 8. Applicant also argues that the reference does not disclose sharing the notified information with another user

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after judging that a specific user did not behave in a manner indicated in the notified information as stated in claims 10 and 11.

Paragraph 0172 states the availability of a unit for producing the user's purchase log from products actually purchased and a purchase record management system to track purchase accounts. This feature clearly has the contents to purchase in a log and a list of purchased products, thus leaving products not purchased on the log in form of written messages as claimed by the applicant in claims 1, 7 and 8. Paragraph 0186 states the sharing of purchase memo information among multiple users about electronic goods purchase information to avoid duplicate buys. This clearly teaches over claims 10 and 11, since the behavior of the user of buying or not buying products off the list is shared with another user.

In light of the forgoing arguments, the 35 U.S.C. 102 rejections are hereby sustained.

Conclusion

The Examiner requests, in response to this Office action, that support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.

When responding to this Office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of

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the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajith Jacob whose telephone number is 571-270-1763. The examiner can normally be reached on M-F 7:30-5:00 EST, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. S./
Examiner, Art Unit 2161

8/27/2008

AJ
Patent Examiner

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161